IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, CIVIL JURISDICTION

CIVIL APPLICATION NO.2143 OF 2005
IN
WRIT PETITION NO.4033 of 2005

Rajeev Kumar ...Petitioner

Vs.

Union of India & Ors. ...Respondents

Petitioner in person.

CORAM: F.I. REBELLO & DR.D.Y.CHANDRACHUD, JJ,
DATE :5th September,2005

P.C.

. The order of suspension was set aside by Delhi High Court against which the Department proceeded before the Apex Court. The order of the Delhi High Court was set aside by the Apex Court.

2. In the meantime after the order of the Delhi High Court the department had issued a fresh order of suspension. That order was subsequently withdrawn. It is the contention of the petitioner that once the order of suspension was withdrawn and he was allowed to join duties the deemed order of suspension no longer subsists and he may be allowed to join on duty and in these circumstances he has sought relief as prayed for.

3. Considering the fact that he was taken back in service because of the order of the Delhi High Court, the consequences of the Apex Court setting aside the order of the Delhi High Court would mean that the order of suspension once again becomes operative. Once that be the case even if the department had subsequently issued a second order of suspension that would be of no consequence. Even otherwise

that second order of suspension has been revoked. Considering the above the relief as now prayed for cannot be granted. The merits of the matter can be gone into in the main petition, which has been expedited. In the above circumstances application rejected.

4. The submissions filed today to be taken on record.

(F.I. REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)